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NELLIE F. SHEETS.

Commission Form of Government. During the 1908 session of the legislature, a law was passed in Mississippi providing for a commission form of government in cities. This law shows a continuation of the effort toward establishing a better form of government in municipalities.

The commission form of government in cities in the United States had its beginning in Washington, D. C. The first law was passed in 1874, and provided that the president, by and with the advice and consent of the senate, should appoint a commission consisting of three persons who should exercise all the power and authority previously vested in the governor or board of public works. The president was also to detail an officer of the engineer corps of the army of the United States who, subject to the general supervision and direction of the board of commissioners was to have charge and control of the work of repair and improvement of all streets and highways in the District of Columbia. In 1878 an act was passed providing for a permanent form of government for the District of Columbia, and in place of three commissioners and the army officer there were to be two commissioners who, together with the officer, were to constitute the governing body. The Washington system is a commission system, but the city which has given this form of government a new impetus, has led the way in the recent movement and has had the greatest influence in its spread throughout the States which have so lately adopted it, is Galveston, Texas, the city which originated the Galveston system.

The Galveston charter was drawn up and passed by the legislature in 1901. Under this charter the offices of mayor and aldermen were done away with, and a president and board of commissioners established in their places. At first the president and two of the commissioners were appointed by the governor and the remaining two elected; but the constitutionality of this procedure was questioned in the courts, and in 1903 the charter was amended so that all the commissioners are now elected by the qualified voters of the city. The following characteristics should be noted in the Galveston plan; the city is managed like a large corporation; the president of the board of commissioners is the general superintendent; the number of men in control, the number that may be held responsible, for the laws passed and their enforcement is very small; each member of the commission is the head of a department, shapes its

general policy, has general supervision over it and represents it in the meetings of the commission, the commissioners are elected at large and not from wards; and the old idea of the separation of powers so common in American government is done away with.

Several other cities in Texas adopted the commission system of government by special charter, and this legislation like all special legislation is lacking in uniformity in its minor detail, and sometimes even in its more essential characteristics. The city of Houston adopted the plan in 1905, and during the 1907 session of the legislature laws were passed granting similar charters to El Paso, Denison, Dallas, Greenville, and Fort Worth. During the same year (1907), general laws were passed in Iowa, Kansas, and North and South Dakota. Other States have granted special charters to some of their cities which resemble the Galveston plan in certain phases, but not in phases most characteristic of the system.

The general characteristics of the laws passed are that the number of men who have actual control, who direct the policies of the city, and who are held responsible for their actual working out and enforcement is small, the number of officers elected is reduced and the number appointed correspondingly increased, the officers elected are subject to the recall, and those appointed may be removed by the highest elective officer, or officers—the mayor or the mayor and commissioners—who are held responsible for their conduct. The referendum is also permitted in a varying degree. Certain laws provide for its use on all ordinances except routine measures, others on the sale of public utilities, still others on the issue of bonds, and nearly all on the grant of franchises for public utilities.

The Mississippi law passed in 1908 (c. 108) is more general than the laws passed in any of the other States mentioned. The legislature of Mississippi has left more liberty to, and permitted more discretion on the part of the locality with regard to the officers and the exact form of government than have the legislatures of the other States which have passed general laws on this subject. In Mississippi all cities and towns without regard to size may adopt a commission form of government. Any municipality desiring to adopt it must do so by petition; this petition is to set forth the number of commissioners desired, the time required of each per day in the service of the municipality, the salary of each per month, the amount of bonds required of each, and a statement of other officers to be elected. The petition is to be signed by 10 per cent or more of the qualified voters and then filed with the mayor and board of

aldermen. An election is then called and if a majority of the votes cast are in favor of the proposed commission form of government, the clerk must forward a copy of the resolutions and the election returns to the secretary of state, and that officer then issues a charter, signed by the governor, to the municipality. The charter as granted must set forth the facts of the original petition and authorize the municipality to elect the officers named. The charter may be amended in any detail at an election held for that purpose. The city or town adopting this plan is governed by three or five commissioners who are to be elected from the municipality at large without regard to ward lines, and one of the commissioners is voted for and elected by the people as mayor. The actual work of governing the municipality is divided into departments with one member of the commission at the head of each department.

All the powers, duties, rights, and privileges of the mayor and aldermanic body are conferred upon the mayor, upon the commissioners, and upon the subordinate officers of the municipality adopting this form of government. The additional power is granted the commission to appoint the necessary subordinate officers who are not specified in the charter as being elective, to employ such help as may be necessary to properly conduct the affairs of the municipality, to prescribe the duties of all subordinate officers, both elective and appointive, to fix and regulate their salaries, to remove any elective or appointive subordinate officer or school trustee for a good cause and to fill the vacancy by appointment, to abolish any appointive office except that of school trustee, and to consolidate two or more offices when necessity requires. If any subordinate officer or school trustee or any commissioner, other than mayor, fails, refuses, or neglects to discharge any of the duties of his office, or is guilty of malfeasance in office, and this fact is reported to the mayor by ten or more qualified voters, it becomes his duty to order an investigation and trial of the officer, trustee, or commissioner reported. All city officials must furnish surety bonds for the faithful and prompt discharge of their duties, and against malfeasance in office.

All franchises granted by the commission must be submitted to the qualified voters of the municipality at an election, and must receive the approval of a majority of the votes cast, before becoming effective. If a franchise fails to carry at an election, it cannot be voted upon again within a period of six months. The commission must hold regular meetings at least once every month to confer on matters pertaining to the different departments, to pass ordinances, or transact such other business as may be necessary; it must also hold regular meetings the

first Tuesday of each month, at which the minutes of the previous month's work and the report of all officers are to be read to the public. All accounts must be read at the monthly meeting and allowed if correct. All municipal officers who receive their office by election must attend this meeting and the public may be heard upon any petition or matter they may wish to bring before the commission.

Any municipality adopting the commission form of government may return to the former system after a petition signed by 10 per cent of the qualified electors and a favorable vote.

The Mississippi law does not provide for the initiative, provides for the referendum only in case of franchises and instead of having the right of recall, the commission has the right of removal of any elective or appointive subordinate officer, and all officers including the four commissioners may be reported to the mayor for negligence or malfeasance in office.

ROBERT ARGYLL CAMPBELL.

Juvenile Delinquency. Among the Ohio laws of 1908 is an act of forty-two sections relating to the treatment and care of dependent, neglected and delinquent children. In the main the bill contains the same provisions as the Ohio juvenile court act of 1902 and the amendments to it in 1904 and 1906. It has, however, made some additions and changes, the first of which is to give to the common pleas, probate, insolvency, and superior courts concurrent jurisdiction in cases relating to children under seventeen years of age. At the same time the law-makers seem to take particular care not to call the court a juvenile court, the records juvenile records, nor the room a juvenile courtroom as was done in the earlier acts. In one place only is a judge called juvenile judge. Another difference is the addition to the definition of "delinquent child" which is made to include any child visiting billiard rooms, using cigarettes, visiting and frequenting any theater, gallery or penny arcade where any lewd, vulgar, or indecent pictures are exhibited or displayed, and jumping or catching on street or traction cars. The new law increases the amount a county may spend for the services of probation officers to \$7500 a year, and has made the bill to read "one or more *may* be a woman" instead of "one or more *shall* be a woman" as in the earlier laws. The most encouraging changes and additions are the strong measures taken to force the parent to do his duty to the child. The act reads "for every day such failure, neglect or refusal of a parent or guardian to do his duty toward his child shall constitute a separate